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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,701	03/09/2001	David Greene	1991-00100	6900

23505 7590 01/24/2007  
CONLEY ROSE, P.C.  
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EXAMINER
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KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/802,701

Applicant(s)

GREENE ET AL.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 08 November 2006.

#### *Status of Claims*

2. Claims 1, 8 and 16 are currently amended. Claims 1-5, 8-14 and 16-18 are currently pending.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1-5, 8-14 and 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of Musmanno et al. (hereinafter Musmanno) U.S. Patent 6,108,641 in further view of O'Shaughnessy U.S. Patent 6,484,151.

Regarding claims 1, 8 and 16, Wallace teaches a method of securing an ownership interest in a publicly traded corporation wherein the method comprises: receiving a request to open a brokerage account and remotely providing account application information to an online brokerage (column 9, lines 7-36 and column 11, lines 3-16); electronically signing an account agreement authorizing the establishment of an online brokerage account with said online brokerage and opening the online brokerage account (column 2, lines 16-27 and column 9, lines 57-67 and column 11, lines 3-16); and authorizing a transfer of investment funds to said online brokerage account (column 11, lines 3-16).

Wallace fails to teach that the authorization is for a real-time transfer of funds. Musmanno teaches a computer system for managing a plurality of accounts each of the account being separated into a master account and at least one subaccount to provide and improved brokerage/cash management system (column 2, lines 10-11 and column 6, lines 30-38). Musmanno teaches an account agreement (column 3, lines 23-55) and authorizing real-time transfers of funds into the brokerage account (column 2, line 67 thru column 3, line 19 and column 5, lines 40-49).

Wallace and Musmanno fail to teach placing an online order using an abbreviation associated with said publicly traded corporation. O'Shaughnessy teaches a system and method

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for purchasing stocks over a computer network in which an online trading order uses an abbreviation associated with a publicly traded corporation (column 10, lines 39-63 and Table 3).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the funding teachings of Wallace and include that the authorization be for a real-time transfer of funds as taught by Musmanno because it expedites the funding process and allows a user to begin use of the account. Furthermore, Wallace teaches wiring money from another account and transferring funds from another account (column 11, lines 12-16) as does Musmanno for the real-time authorization of fund transfers. It also would have been obvious to modify the teachings of Wallace and Musmanno to include the teachings of O'Shaughnessy because Wallace teaches that after the account is setup a customer is able to trade securities (column 13, lines 44-53) and Musmanno teaches a brokerage account (column 2, lines 10-11 and column 6, lines 30-38) and the use of abbreviations associated with publicly traded corporations is an efficient and common method of designating specific stocks/securities purchased from brokerage accounts.

Depending claims 2-5, 9-14 and 17-18 stand rejected as stated in the previous office action mailed 08 August 2006 and therefore stand rejected under the same reasoning.

#### ***Response to Arguments***

6. Applicant's arguments filed 08 November 2006 have been fully considered but they are not persuasive.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Wallace teaches a method for a new accounts program in which a brokerage account is established by remotely providing an application and electronically signing the application, as discussed above. Musmanno teaches authorizing real-time transfer of investment funds for a brokerage account. Musmanno states that "if there are any real time transfers pending and if there are, the transfer will be processed at the time of the request." Musmanno also teaches that an application process for the account (column 3, lines 23-56). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace and include the teachings of Musmanno because it allows for funding a brokerage for trades.

Wallace in view of Musmanno fail to teach that the brokerage account is used for securing ownership interest in a publicly traded corporation by using the abbreviation associated with a publicly traded corporation. However, O'Shaughnessy teaches a system and method for purchasing stocks over a computer network in which an online trading order uses an abbreviation associated with a publicly traded corporation (column 10, lines 39-63 and Table 3). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace in view of Musmanno to teach entering a the abbreviation of a publicly traded corporation because its an efficient method for performing transaction with a brokerage account.

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Therefore the combination of Wallace, Musmanno and O'Shaughnessy teach the limitations of the instant application and Applicant's arguments are not persuasive.

The rejection of claims 3, 4 and 5 under Official Notice were first stated in the office action mailed 27 February 2006. Since the Official Notice was not challenged in the subsequent response (see Remarks, 26 May 2006), claims 3, 4 and 5 were conceded as admitted by prior art by the Applicant at that time. MPEP 2144.03.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
22 January 2007



HANI M. KAZIMI  
PRIMARY EXAMINER